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REMARKS

1.   Claims Amendments.

The claims have been amended to clarify the invention. No new matter has been added.

Claims 1-10, 34, 35, and 38 have been canceled.

Claims 1, 14-16, and 36 have not been amended in this Response.

Claims 11, 21, 33, and 37 have been amended to more particularly claim the invention.

Claims 12, 13, 17-20, 22-32, and 39 have been amended for clarity.

New Claims 40-41 have been added and have support in the specification.

No new matter has been entered in any of these amendments.

Applicant has submitted previously payment for 39 total claims including 5 independent claims. As the amendments to the claims result in 27 total claims including 5 independent claims, no additional claims fees are necessary.

2.   35 USC 103 Obviousness

Claims 1-28 and 33-35 have been rejected under 35 USC 103 as being obvious over Newman '214 in view of Heyer '682 and Claims 29-32 and 36-39 have been rejected under 35 USC 103 as being obvious over Newman '214 in view of Heyer '682 and Ferguson '092. As Claims 1-10 have been canceled, Applicant traverses the rejections to the remaining claims.

For a claim to be determined obvious (or nonobvious) under 35 USC 103, the claimed material must have been obvious to person of ordinary skill in the art from the prior art. An obviousness determination requires examining (1) the scope of the prior art, (2) the level of skill in the art, and (3) the differences between the prior art and Applicant's invention. Litton Systems, Inc. v. Honeywell, Inc., 117 SCt 1270 (1970). A mere suggestion to further experiment with disclosed principles would not render obvious an invention based on those principles. Uniroyal, Inc. v. Rudkin-Wiley Corp., 19 USPQ2d 1432 (Fed. Cir. 1991). In fact, an applicant may use a reference as a basis for further experimentation and to create the invention. Id.

The fact that each element in a claimed invention may be mentioned in the prior art does not determine the nonobviousness of the claimed invention as a whole.

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See Custom Accessories, Inc., v. Jeffrey-Allan Industries, 1 USPQ2d 1196 1986 (Fed. Cir. 1986). The prior art must not be given an overly broad reading, but should be read in the context of the patent specifications and *as intended by reference authors. Durling v. Spectrum Furniture Co.*, 40 USPQ2d 1788 (Fed Cir 1996) (Federal Circuit held that district court erred by giving a "too broad an interpretation" of claims in a sofa patent to invalidate another on the nonobviousness standard).

The Federal Circuit has made it clear that the nonobviousness standard is applied wrongly if a court or an examiner (1) improperly focuses on "a combination of old elements" rather than the invention as a whole, (2) ignores objective evidence of nonobviousness, (3) pays lip service to the presumption of validity, and (4) fails to make sufficient *Graham* findings. *Custom Accessories, Inc.*, 1 USPQ2d 1196 (Fed. Cir. 1986). Applying the nonobviousness test counter to these principles is contrary to the principle that a patent application is presumed nonobvious. *Id.*

A.   Claims 11-28 and 33 are not obvious under 35 USC 103 over Newman '214 in view of Heyer '682.

The combination of Newman '214 and Heyer '682 does not teach a business method or a method for providing current credential information regarding at least one individual to an interested entity comprising the steps of Claim 11, 21, and 33 (and any claim dependant therefrom).

Initially, Newman '214 discloses a method for selectively generating provider application forms that can be submitted to health care providers. Specifically, physician credentials and various health care provider application forms are stored together for the generation of forms. **Newman '214 at most discloses a database with a physician's credentials in which the actual physician (or his or her agent) inputs the credentials.** Newman '214 provides a method for filling in application forms based on a database created by the physicians. Essentially, this method provides a means for storing the credential profiles so that the forms may be electronically filled in by the physician and not to a relational database for providing information about an individual (the physician) to an interested party (a potential employer for example) about the individuals credentials. Newman '214 is merely a database for a physician's use in filling out repetitive and routine forms for an entity, such as an insurance company.

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Further, Heyer '682 discloses a method for managing a **healthcare network** that uses a relational database of provider data. As this method is for healthcare networks, it provides a method for a healthcare network to keep track and update provider information from time to time. **Heyer '682 at most discloses the use of a database with physician credential data so that healthcare networks have access to such data while WITHIN the network.** Essentially, this method is to provide a means to streamline physician credentialing within a network.

More importantly, the combination of Newman '214 and Heyer '682 does not teach a business method or method for providing outside interested people a means or method to check into the credential profile of an **individual, WHO MAY NOT BE A PHYSICIAN.** While the idea of creating a relational database is undoubtedly old, nothing in Newman '214, Heyer '682, or a combination thereof teaches a method of creating and using a relational database generated through a combination of queries, electronic and otherwise, to other professional, public and private databases, the individual itself, and third party verifiers. In fact, as the methods in Newman '214 and Heyer '682 teach methods in which the credentials are mechanically entered, these two references teach *away* from Applicant's invention.

Further, the combination of Newman '214 and Heyer '682 does not teach a method in which interested parties may continually monitor person(s) in a profession. Specifically, the combination of Newman '214 and Heyer '682 does not teach sending updated information about the individual to the interested party. While the method in Heyer '682 does send queries to check on data (as the examiner pointed out), the method in Heyer '682 does not provide a means for sending the updated information to the interested party using the method. In fact, both references simply teach "querying" for more information rather than sending the updating information to the parties.

Additionally, each of the independent claims have been clarified to include that the method results in the creation of an on-line continually updated profile of the individual that can be accessed on an as needed basis by the interested entity to verify the information about the individual. Support for this clarification can be found in the Specification as originally filed, namely the third full paragraph of the "Detailed Description of the Invention". None of the cited prior art discloses or teaches this feature.

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Claim 33 also has been amended to include the subject matter of Claims 34 and 35, namely that the information is provided automatically to the interested entity and that the information is used by the interested party to determine whether to create, maintain or terminate a relationship with the individual. This feature is not disclosed or taught in the cited prior art, which is merely for filling out forms or providing information about a physician in a network, not for credentialing or background checks, like in the present invention.

As such, Applicant's method is nonobvious over the combination of Newman '214 and Heyer '682 because Applicant's method is a unique combination of elements not taught by these references. When information on an individual is updated by Applicant's method, the database is updated and the updated information is available to or sent out to the interested party. The prior art does not render obvious a method in which a relational database is maintained that contains information from multiple sources or in which the credentials are updated and provided to the interested party-both elements are claimed elements.

For these reasons, *inter alia*, Applicant requests the examiner reconsider and withdraw the 35 USC 103 rejection based on the combination of Newman '214 and Heyer '682.

B.   Claims 29-32, 36, 37, and 39 are not obvious under 35 USC 103 over Newman '214 in view of Heyer '682 and Ferguson '092

The combination of Newman '214, Heyer '682 and Ferguson '092 does not teach a business method or a method for providing current credential information regarding at least one individual to an interested entity comprising the steps as claimed in Claims 29-32 and 36, 37, and 39.

Further, Claim 37 now includes that the and using a pull system that mines and extracts the initial information from the at least one information source, and that the older information is replaced with the newer information within a predetermined time from when the newer information is obtained from the at least one information source. See the Abstract and original Claim 11. None of the cited prior art discloses or teaches this feature.

As Claims 29-32 and 36, 37 and 39 are dependant from independent claims that are allowable (for the reasons discussed above), Claims 29-32 and 36, 37 , and 39 are allowable. As such, Applicant requests the examiner reconsider and
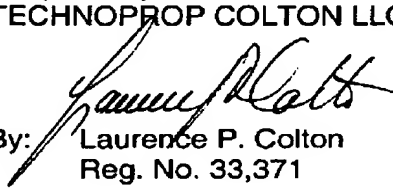
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withdraw the 35 USC 103 rejection based on the combination of Newman '214, Heyer '682, and Ferguson '092.

CONCLUSION

Applicant submits that the patent application and the claims are in condition for allowance and requests such action.

If the examiner has any final questions or concerns prior to allowance, please have the examiner contact the below signed attorney of record.

Respectfully submitted,
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